



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Kent I. Smedley

Application No.: 10/661,087

Filed: September 12, 2003

For: **METHODS AND DEVICES FOR
CONTROLLING FLOW AND PARTICLE
FLUIDIZATION IN A FUEL CELL**

Art Unit: 1745

Examiner: Jonathan Crepeau

DECLARATION OF COMMON OWNERSHIP

The undersigned attorney of record hereby declares the following:

1. U.S. Patent Application 10/661,087 and U.S. Patent 6,764,588 were, at the time the invention of Application 10/661,087 was made, wholly owned by Metallic Power, Inc. of Carlsbad, California ("Metallic Power") or subject to an obligation of assignment of all rights therein to Metallic Power.

2. Further evidence of common ownership of these properties by Metallic Power may be found in the assignment records at the U.S. Patent & Trademark Office. All rights in U.S. Patent 6,764,588 were assigned directly from the inventors to Metallic Power, as recorded on Reel/Frame 013206/0570 on August 19, 2002. All rights in U.S. Patent Application 10/661,087 were assigned directly from the inventors to Metallic Power, as recorded on Reel/Frame 014956/0490 on February 9, 2004.

I declare under penalty of perjury under the laws of the State of California that the foregoing paragraphs are true and correct to the best of my own personal knowledge.

Executed this 20th day of June 2007 at Costa Mesa, California.

Sean D. Burdick
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Reg. No. 51,513